

REMARKS

In the Office Action mailed September 12, 2007, the Examiner noted that claims 1-24 were pending and rejected claims 1-5, 7, 10, 15-18, 21 and 24 all other claims being withdrawn. Claims 1-24 have been amended, no claims have been canceled, claim 25 has been added, and, thus, in view of the foregoing, claims 1-25 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

OBJECTION

Claims 1-24 are objected to for informalities. In particular, the Office states the claims should begin the preamble of the claims with an "A" or "The." The claims have been so amended.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 2, 4, 5, 7, 10, 15, 16-18, 21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gorday, U.S. Patent No. 6,665,521. The Applicant respectfully disagrees and traverses the rejection with an argument. Gorday discusses a system of communicating between a wireless network and a plurality of wireless devices.

On page 3 of the Office Action, the Office states that col. 1, lines 15-20 disclose "communicating between at least two electronic entities (12₁, 12₂, 12₃), said method involving communication management means (10) **that employ a command-**

response protocol to communicate with said electronic entities," (emphasis added) as in amended claim 1. Gorday col. 1 lines 15-20 states "that operate at lower power and over shorter distances. These secondary protocols generally use unlicensed spectrum and require minimal coordination with the primary communication protocol of the device (e.g., GSM, IS-95, IS-136, ReFLEX, etc.)." Nothing that the Office cites enables a command-response protocol as defined in the application. (See page 1 lines 31 to page 3 line 3 of the application.) Any reference used to reject a claim must itself be enabling for the subject matter of the invention alleged to be taught (see In re Wilder, 429 F.2d 447, 166 U.S.P.Q. 545 (C.C.P.A. 1970) and In re Collins, 462 F.2d 538, 174 U.S.P.Q. 333 (C.C.P.A. 1972)).

Further on page 3 of the Office Action, the Office asserts that Gorday col. 2 lines 4-20 discloses "using a wireless technology and in that it includes a step consisting in storing a list of said electronic entities in the communication management means (10)," as in claim 1. Gorday col. 2 lines 16-19 states "[u]sing the secondary short-range protocol, each unit will establish a list of "partners", which are other ReFLEX units within range 20 of the secondary protocol." Thus, Gorday does not store a list of electronic entities in the communication management means, but in the entities themselves. Therefore, Gorday fails to disclose "using a wireless technology and in that it includes a step consisting in storing a list of said

electronic entities in the communication management means (10)."

However, the Office states that such a list stored in the base station is inherent. The base station need not store a list as the entities can continually poll the base station obviating the need for a list. Therefore, such a list is not inherent.

For at least the reasons stated above, claim 1 and the claims dependent therefrom are not anticipated by Gorday.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being obvious over Gorday in view of Ghirnikar, U.S. Patent No. 6,216,001. The Applicant respectfully disagrees and traverses the rejection with an argument. Ghirnikar adds nothing to the deficiencies of Gorday as regards independent claim 1 as argued above, and therefore, the combination of Gorday and Ghirnikar, taken separately or in combination, fails to teach or suggest the elements of claim 3.

Withdrawal of the rejections is respectfully requested.

NEW CLAIM

Claim 25 is new. Support for claim 25 found in claim 1 and Fig. 1 and the accompanying text of the application. The Applicant submits that no new matter has been added by the addition of claim 25. The prior art of record failing to teach or suggest "A communication systems comprising: at least two

electronic entities (12₁, 12₂, 12₃); a communication management unit that employs a command response protocol to communicate with said at least two electronic entities, said management communication unit having stored therein a list of said electronic entities wirelessly communication with said communication management unit, wherein the at least one of said electronic entities (12₁, 12₂) communicates with said communication management unit (10) using a wireless technology.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-25 continue to be allowable. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Please charge the fee of \$50 for the extra claim of any type added herewith, to our credit card as set forth on the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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